

T H E C A S E

O F

RATCLIFFE, CRESSEY, and Others.

TH E River *Wey* was made Navigable, from *Guilford* in *Surrey* to the River of *Thames*, by couler of an Act of *Parliament* in the late times, and by consent of the greatest part of the Proprietors, thorough whose Land the Cut was made; they, or most of them being agreed with for their Lands cut through at a Price, and were paid the greater part of the Mony agreed for. The said River, being a Publick benefit, the Navigation thereof was preserved, and the profits received by *James Pitson* Gent. and his Participants, as the first under-taker until His Majesties happy Restauration, which is believed, did exceed his Disbursements therein; by reason ~~of the~~

his Creditors, of whom he had the power to command monyes on before, did presently secure the said *Pitson*. After His Majesties Return, the Authority, under which the first Undertakers acted, being determined, the Navigation of the said River, and the Works thereupon ran much to decay: Whereupon *John Ratcliffe* Esq; being advised that the Interest, and Conservatorship of the said River, as a publick passage, was in His Majesty, did appoy himself to His Majesty for a Grant thereof; who referred the same to the Right Honourable the Lord *Ashly*, Chancellour of the *Exchequer*; who after hearing of, and consideration had, of the several pretenders and their Interests, and upon the advice of Council, learned in the Laws, certified to His Majesty, That he thought there was great reason His Majesty should be pleased to grant to some person, a Lease of His Majesties Interest: the Lessee Covenanting to give the persons concern'd in the other Interests, such satisfaction as the Lord Treasurer, Chancellour, or Barrons of the *Exchequer* should judge reasonable.

And thereupon His Majesty by his Letters Patents, dated 24 Decemb. 16 Car. II. did grant unto the said *John Ratcliffe* all his Title and Interest in the said River, and the Aqueduct or passage of the said River, together with the Profits arising, by reason of the Navigation, to hold, from *Michaelmas* before, for 29 years and a half: rendering to His Majesty the yearly Rent of Five pounds. And did thereby farther constitute the said *John Ratcliffe* His Majesties Officer, for conservation of the said River and Works thereupon, during the said term. And the said *John Ratcliffe* did thereby Covenant, to give satisfaction to all persons who undertook the said Navigation, or who laid out monies in the said Works, or for preservation thereof, or for making any new Cuts, Sluces, or Works, or for Land cut through: such as the Lord Treasurer, Chancellour, and Barrons of the *Exchequer* should judge reasonable, with Covenants to repair and maintain the said Navigation and Works; and to take no greater allowance, for carriage or passage, than had been constantly before taken, without the approbation of the Court of *Exchequer* first obtain'd.

In pursuance whereof the said *John Ratcliffe*, for great and valuable considerations, did purchase in several Judgments amounting to 5300 l. entered into by *Pitson*, being incumbrances, whereunto the said *Pitson's* Interest in the said River was lyable; and which were Securities for monyes lent towards making of the said River Navigable.

And the said *John Ratcliffe* in farther pursuance of the said Lease, did repair the said River, the Locks, and other Works upon the same, and expended therein above 5000 l. for the doing of which, he sold a considerable Estate of Inheritance.

And afterwards Mr. *Ratcliffe* having been furnished by *Thomas Cressey* Esq; with several great sums of mony, and having Contracted with Mr. *Cressey* to buy in the Lands, through which the said River was Cut: On, or about the 28th. day of *January*, 1664. did Assign over the said Lease, and all other his Interest in the said River of *Wey*, unto the said *Thomas Cressey*, for securing what monies he had, and should lay out: And the said *John Ratcliffe*, *Thomas Cressey*, and other Friends on their behalf, did purchase in several Peices of Land, aswel Free-hold as Coppy-hold, containing the greatest part of the Land, through which the said River was Cut,

Viz. One Piece of Land held of the Mannor of *Sutton*, purchased of *Thomas Martyr*, and 16 l. paid. Of *Richard Forebench* a Messuage, and Eight Acres of Land, called *Dapdown Wharf* in *Stoke*, and Fifty pound paid. Of the said *Forebench*, a moyetic of the Lands and Lock, called *Bowers*; and Fifty pound paid. *Cressey* purchased of *John Wheatly* Coppy-hold Land, held of the said Mannor of *Sutton* and *Purford*, and other Lands; and paid 100 l. Of *William Mills* divers parcels of Coppy-hold Lands, held of the Mannor of *Byfleet*, *Ripley*, *Sand* and *Sutton*, and all the Interest of the said *William Mills* in the said River, and in several Lease-hold Landes there:

Viz. One Lease of a 1000 years, held from *Hannah Gould*, and others. One other Lease of a 1000 years, held from *John Seal* of *Purford*. One other Lease of a 1000 years, held from *George Hoane* of *Purford*. One other Lease of a 1000 years, held from the Coppy-holders, and Freeholders of the Mannor and Parish of *Byfleet*. One other Lease of 2000 years, held from *Henry Weston* of *Ockham* Esq; And three other Leases for one thousand year a peice, held from *James Zouch* Esq; *Sir Nicholas Stawton*, and *Sir John Warly*; and paid for the same about One thousand Pounds.

Mr. *Dickenson* and others, interrupting the said *John Ratcliffe*, and *Tho. Cressey* in the possession of the said River: The Cause was several times heard before His Majesty and the Council Board, and at length was referred to be determined by the Lord Chief Barron; and in pursuance thereof, upon an Information exhibited in the *Exchequer*, by His Majesties Attorney General, against several of the Persons concerned, in their respective pretences to the River. The Cause hath been several daies heard, and solemnly debated in the Court of *Exchequer*, and the several Interests of the Pretenders thereto, weighed and considered. But because some few of the Land-owners were not agreed with, for cutting through their Lands, and also were not parties to the Suit; the Court declared, They could not finally determine the Cause, but onely stated the several Interests depending. In this Suit Mr. *Ratcliffe* dyed, leaving Four small Children without any other provision or Estate, than what he had expended upon the River, in pursuance of the said Lease.

Cressey payeth upon His Majesties Patent, Five pound per annum: Also Twenty pound per annum to Mr. *Delmeboy*, for the Chief Wharf: And also to the said Mr. *Delmeboy*, Ten pound per annum for one other piece of Ground to lay Timber upon.

The Lord chiefe Baron hauing had this cause before him thre yeares
It is humbly desired he may be impoored to determine it.

171